

**In The United States District Court  
Eastern Division of Pennsylvania and  
The Bankruptcy Appellate Panel Allentown Pennsylvania**

## **Plaintiffs First Amended Complaint**

**Now Comes Larry and Cathleen Wisser, Plaintiffs** and herein file this Original Complaint for Fraud Upon the Court, Bad Faith Deceptive Process / Abuse of Process, Violations of the Freedom of Information Act, Civil Rights Deprivations and Fraud Upon the Bankruptcy Courts in Pennsylvania.

**1. Jurisdiction and Venue is provided by the United States Constitution and Laws as well as the Laws and Constitution for the Commonwealth of Pennsylvania.**

**The 4th, 5th, 9th, 10th and 14th Amendment of the United States Constitution.**

[Equal Protection | Wex | US Law | LII / Legal Information](#)

... [https://www.law.cornell.edu/wex/equal\\_protection](https://www.law.cornell.edu/wex/equal_protection)

U.S. Constitution. The Fifth Amendment's Due Process Clause requires the United States government to practice equal protection. The Fourteenth Amendment's Equal Protection Clause requires states to practice equal protection. Equal protection forces a state to govern impartially—not draw distinctions between individuals solely on differences ...

[14th Amendment | U.S. Constitution | US Law | LII / Legal ...](#)

<https://www.law.cornell.edu/constitution/amendmentxiv>

14th Amendment. The Fourteenth Amendment addresses many aspects of citizenship and the rights of citizens. The most commonly used — and frequently litigated — phrase in the amendment is "equal protection of the laws", which figures prominently in a wide variety of landmark cases, including *Brown v.*

**2. The Freedom of Information Act of the United States**

[The Freedom of Information Act, 5 U.S.C. § 552](#)

### **3. Jurisdiction and Venue**

#### **28 U.S. Code Part IV - JURISDICTION AND VENUE | U.S. Code**

LII (<https://www.law.cornell.edu/uscode/text/28/part-IV>

chapter 83—courts of appeals (§§ 1291 - 1296) chapter 85—district courts; jurisdiction (§§ 1330 - 1369) chapter 87—district courts; venue (§§ 1390 - 1413) chapter 89—district

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courts; removal of cases from state courts (§§ 1441 - 1455) [chapter 90—omitted] chapter 91—united states court of federal claims (§§ 1491 ...

#### I.

#### **Individual and Specific Counts of Plaintiff's Lawful Rights**

- 1. Beginning on or about February 1st 2005 Your Plaintiff's were involved in obtaining Credit from the USDA ( US Department of Agriculture ) and dealing primarily with USDA Agent Mr. Bruce Brown. The Nature of the Loans were Operations and Facilities Financing for the Wissner Farm herein described. 8149 BAUSCH RD NEW TRIPOLI, PA 18066**
- 2. During the following Years The Wissers received \$150,000 ONE HUNDRED FIFTY THOUSAND DOLLARS in Farm Preservation Grant money that USDA Agent Bruce Brown misappropriated and absconded with using methods unknown to and secreted from the Wissers. This \$150,000.00 amount was deprived from the Wissers and taken by USDA Agent Bruce Brown.**

3. During this same Period another \$255,000.00 in USDA Backed Loans and \$40,000.00 for a Mystery Milk Tank and a \$30,000.00 Mystery Loan was created by USDA Agent Bruce Brown for which said Amounts were NEVER Provided to the Wissers for Their Benefit or Operations for their Farm which caused Them to seek Chapter 12 Bankruptcies over the past 10 years +.
4. During this period beginning in 2015 the Wissers began asking for production of the USDA's Files and Records associated with the Farm Preservation Money and Mystery Loans for which They DID NOT RECEIVE benefit of to reconcile and audit the ACTUAL AMOUNTS which have been owed to the USDA which are involved in Their Bankruptcies under Chapter 12 of the US Bankruptcy Code.
5. Only Last Month did US Bankruptcy Judge Meyers finally ORDER the USDA to provide to the Wissers the Files and Records associated with these Mystery Loans and the Vanished Absconded Farm Preservation Monies so that Wissers could properly account for monies actually owed to the USDA. Said production of the FOIA'd Files and Records were UNSATISFACTORILY and Only Partially Produced on October 28th 2021 to the Wissers. On the very day These FOIA'd files and records were finally produced 7 years late. The US Bankruptcy Court fraudulently dismissed Wissers most recent Ch 12 Bankruptcy and DID NOT ALLOW the Wissers to Audit and Reconcile Monies actually owed to the USDA.
  - a. USDA nor Bruce Brown nor Scott Waterman have produced Loan Servicing Records of any kind to show how the Wissers alleged UNPAID LOANS BALANCES to the USDA / United States have been tabulated.

- b. USDA nor the United States nor Mr. Scott Waterman have produced even a scintilla of Loan File Records which show how the USDA / United States added up or tabulated any outstanding balances owed by the Wissers.
6. In the records finally produced 7 years LATE .... There appears THREE US TREASURY CHECKS which have been Absconded With and By Fraudulent Means ( Forged ) totalling more than \$300,000.00 for which the Wissers have never seen, never received benefit of and until October 28th 2021 have had NO KNOWLEDGE OF.
7. These very large sums of money IF the Wissers had actually received them THEY WOULD HAVE NEVER needed to seek Chapter 12 Bankruptcy Protection and would have been spared more than a Decades Struggle and Huge Expenses to Protect Themselves and Property from Seizure by the USDA in the Unconscionable and Fraudulent Collections Activities engaged in by USDA. Said Abusive and Fraudulent Collections efforts by USDA constitute violations of the FAIR DEBT COLLECTIONS PRACTICES ACT

#### Fair Debt Collection Practices Act | Federal Trade Commission

<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/fair-debt-collection-practices-act-text>  
Fair Debt Collection Practices Act As amended by Public Law 111-203, title X, 124 Stat. 2092 (2010) As a public service, the staff of the Federal Trade Commission (FTC) has prepared the following complete text of the Fair Debt Collection Practices Act §§ 1692-1692p.

8. The Conduct of USDA and It's Agent Bruce Brown and the USDA constitutes Common Law Fraud as well as Unconstitutional Denial of Equal Protection and Due Process of Law by acting to Violate the Freedom of Information Laws as well as the Concealment of Records associated with the ACTUAL AMOUNTS OWING ( if any ) to the USDA in the Chapter 12

Proceedings dismissed by Judge Meyers on October 28th 2021 being the same day the Wissers finally received the PARTIAL PRODUCTION of FOIA'd Files and Records hidden by Mr. Bruce Brown and the USDA for the preceding 7 years. NO Loan Servicing Records were produced.

9. Using concocted figures simply fabricated imaginary numbers for loan balances to Repossess or Foreclose on the Wissers Farm is FRAUD anyway You slice it. Using fictitious figures to avoid a Lawful Bankruptcy Plan in Bankruptcy is simply a FRAUDULENT effort to Convert the Wissers Farm in the Fraudulent Debt Collection activity being perpetrated by Mr. Bruce Brown and Mr. Scott Waterman. The USDA/ United States scheme to employ FALSE Loan Balance Amounts to Foreclose on the Wissers are UNLAWFUL DEBT COLLECTION PRACTICES.

- a. Conversion by Fraud is a Property Deprivation Crime and Actionable per the Property Deprivation Provisions of the Constitutions of the United States and the Commonwealth of the State of Pennsylvania.

**See Conversion**

[https://www.google.com/search?q=Property+Conversion+Civil+Rights+Deprivation&rlz=1C1RXC\\_enUS995US995&og=Property+Conversion++Civil+Rights+Deprivation&aqs=chrome..69i57j33i160.18216j0j15&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=Property+Conversion+Civil+Rights+Deprivation&rlz=1C1RXC_enUS995US995&og=Property+Conversion++Civil+Rights+Deprivation&aqs=chrome..69i57j33i160.18216j0j15&sourceid=chrome&ie=UTF-8)

- b. Amdt5.4.4.2.2 Deprivations of Property - Constitution Annotated

[https://constitution.congress.gov/amdt5\\_4\\_4\\_2\\_2](https://constitution.congress.gov/amdt5_4_4_2_2)

The expansion of the concept of property rights beyond its common law roots ... whether police officers violated a constitutionally protected property ...

## 16. Property Rights and the Constitution | Cato Institute

<https://www.cato.org> › cato-handbook-policymakers

Under the Fourteenth Amendment, properly understood and applied, those governments have no more right to violate the constitutional rights of citizens than the .

## Debt Collection FAQs | FTC Consumer Information

<https://www.consumer.ftc.gov> › articles › debt-collectio...

The FTC enforces the Fair Debt Collection Practices Act (FDCPA), which makes it illegal for debt collectors to use abusive, unfair, or deceptive practices when ...

## Fair Debt Collection Practices Act | Federal Trade Commission

<https://www.ftc.gov> › enforcement › rules › fair-debt-c...

(F) any person collecting or attempting to collect any debt owed or due or asserted to be owed or due another to the extent such activity (i) is incidental to a ...

## II.

### Bad Faith and Fraud engaged in by USDA and Agent Bruce Brown

**1. Hiding and Concealing the Servicing Files and Records of USDA and the FOIA Violations involved denied to Wissers the ability to accurately provide Facts and Figures to the Bankruptcy Court and Trustees during multiple Chapter 12 Proceedings. There simply are NO RECORDS to establish how the Wisser USDA Loan Balance has been tabulated by**

**the United States and the USDA. The collection efforts are FRAUD.**

- a. **USDA, Bruce Brown and Scott Waterman have NO Loan Servicing Records and or simply refuse to produce them. Loan Servicing Records are required to be maintained by Bruce Brown the USDA and Scott Waterman is well aware of this.**

### Mortgage Servicing Rules under the Truth in Lending Act

<https://www.cfpaguide.com/portafresource/CFPB...>

PDF

servicer must apply the funds to the consumer's account. In addition, creditors, assignees, and ... qualified lenders under the Farm Credit Act of 1971.

### chapter 18: servicing non-performing loans - USDA Rural ...

<https://www.rd.usda.gov/files>

PDF

Mar 9, 2016 ~ 18.4 DOCUMENTATION REQUIREMENTS AND PENALTIES [7 CFR 3555.301]. A. Collection Records. The servicer must maintain records of all collection ...

## CHAPTER 17: REGULAR SERVICING - PERFORMING LOANS

<https://www.rd.usda.gov/files>

PDF

Oct 4, 2019 -- Section 1 defines the requirements associated with servicing current accounts, such as collecting payments, escrowing funds, processing interest ...

2. During the past decade, the Wissers have suffered a Fraudulent Seizure of Their Dairy Herd of more than 150 Cows by Agent Bruce Brown and USDA causing a complete shutdown of their ability to Produce Milk and Income. Said Seizure of the Wisser Herd by FRAUD has been part of an UNRELENTING PURSUIT by USDA and Agent Bruce Brown to Deny to the Wissers and By Fraud, Deception and Theft take Their Farm Business, Home and virtually everything the Wissers Own. The Bad Faith, Deceptive and Fraudulent Concealment of Records and Files subject to FOIA over the last 7 years and more has created the Circumstances of the Recent Dismissal of the Wissers Recent Chapter 12 Bankruptcy. The CONVERSION EFFORTS By the USDA and Agent Bruce Brown have all been perpetrated without any Loan Servicing Records to demonstrate how BALANCES if any exist applicable to the Wisser Bankruptcy and the Collections actions by the United States and Agent Bruce Brown. USDA / United States simply refuse or have no Records on which to tabulate, calculate or show any outstanding balance owed by Wisser. The DEBT COLLECTION PRACTICES being used against Wissers is UNLAWFUL and an effort to Obtain Their Property by Illegal Conversion Tactics.

- 3. The Stay associated with the Recently Dismissed Chapter 12 should be IMMEDIATELY Reinstated until the Wissers and the Treasury Checks and other files and records can be fully AUTHENTICATED and AUDITED.**
  
- 4. At this time the Pennsylvania State Police are seeking the ORIGINAL Treasury Checks signed in Ink and the Associative Banking Records and Files traceable to more than \$300,000.00 In Payments Collected from Land O Lakes Dairy owed to the Wissers for Milk Sold to Land O Lakes. USDA and Mr. Bruce Brown have NOT released the Land O Lakes Records nor the Papers and Files ..... Electronic Banking Records which explain HOW IT IS .... USDA and Agent Bruce Brown had access to and was able to take Money from Bank Accounts belonging to the Wissers Your Plaintiffs.**

III.

**Damages caused to the Wissers**

- 1. But for the Deceptive and Fraudulent Concealing Conduct of the USDA and Mr. Bruce Brown, the Physical and Emotional Distress caused to the Wissers would have been avoided.**
  
- 2. More than a decade of Attorney Fees, Expenses, Legal Costs and Endless Court Appearances would have been Avoided.**

Address of the Plaintiffs  
LINDA RYAN AND CATHLEEN R. WILSSER  
8149 BAYSIDE ROAD  
NEWTRIPOLE, PA 19066

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Certificate of Service

On this Date a True and Correct Copy of this Cause has by US Mail been served upon The USDA and Mr. Bruce Brown and as well US Bankruptcy Trustee Scott Waterman and the Following Address

MATTHEW E.K. HOWATT  
ASSISTANT UNITED STATES ATTORNEY  
EASTERN DISTRICT OF PENNSYLVANIA  
615 CHESTNUT STREET  
SUITE 1250  
PHILADELPHIA, PA 19106-4476

SCOTT WATERMAN ESQ  
CHAPTER 11 TRUSTEE  
900 ST. LAWRENCE AVENUE  
READING, PA, 19606

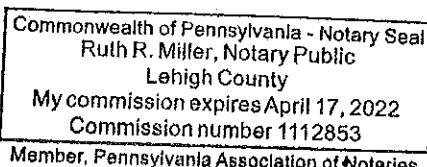
4. Upon trial and hearing Wissers should be awarded an appropriate Punitive Damage Award of at Minimum Treble Damages Established in the Trial of this Cause.
5. Wissers explicitly request and demand a JURY TRIAL of these matters.
6. All costs and expenses associated with these matters should be paid to the Wissers in this case.
7. FINALLY Larry and Cathy Wisser request that Summons to Answer and Appear in this Case be Served by the US Marshal's Service as the Wissers have been so Financially Devastated They are Unable to Afford the Costs of Said Service of Process.

Subscribed and sworn before me, this 18<sup>th</sup>  
day of March, 2022, a Notary Public  
in and for Lehigh County,  
State of PA

Ruth Miller  
(Signature)

NOTARY PUBLIC

My Commission expires April 17, 2022



Larry and Cathy Wisser

Dated

3-18-2022

3. The Seizure of the Wissers Cow Herd would have never occurred and the Vast Amounts of Time and Expenses associated with the Protracted Chapter 12 Proceedings would have been avoided.
4. These expenses caused to the Wissers OUT OF POCKET exceed \$75,000.00
5. The Value of the 120 Plus Cows Taken by USDA and Agent Bruce Brown exceed \$150,000.00 and the Lost Income associated therewith another \$75,000.00.

IV  
RELIEF DEMANDED

1. A TRO Temporary Restraining Order Should Issue until a Proper Audit and Reconciliation of these matters can be performed. Said TRO should be Converted to a Permanent Injunction upon Hearing.
2. The Chapter 12 Stay to prevent USDA and Agent Bruce Brown from Sales or Repossession of the Wissers Farm should be immediately reinstated.
3. Upon Hearing and Trial of this Cause of Action .... Wissers should recover Actual Damages shown and finally